

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Lisa Randle,

Plaintiff,

v.

**Historic Columbia Foundation, Robin
Waites, Adam Roy, and Belinda Gergel,**

Defendants.

C/A No. 3:05-2581-CMC-JRM

OPINION AND ORDER

Plaintiff filed this civil rights action alleging violations of Title VII, the Age Discrimination in Employment Act, 42 U.S.C. § 1985(3), and civil conspiracy under South Carolina law. Defendants Waites, Roy, and Gergel filed a motion to dismiss on October 24, 2005. Historic Columbia Foundation (“HCF”) filed a separate motion to dismiss on that same date. In accordance with this court's order of reference, 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), this matter was referred to United States Magistrate Judge Joseph R. McCrorey for a Report and Recommendation. The Magistrate Judge held a hearing on November 23, 2005, at which time he fully advised Plaintiff Randle of her obligations as a *pro se* litigant. An order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) was also delivered to Plaintiff. Plaintiff filed a response to the motions on December 28, 2005. The Magistrate Judge filed his Report and Recommendation on June 7, 2006.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of

the record in order to accept the recommendation.’’’) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Based on his review of the record, the Magistrate Judge has recommended that Defendants’ motions to dismiss be denied as to Plaintiff’s Title VII and ADEA claims against HCF and granted in all other respects. The Magistrate Judge further recommended that Defendants’ motion to make the complaint more definite and certain be denied. The Magistrate Judge advised the parties of their right to file objections to the Report and Recommendation and the serious consequences if they failed to do so. No objections have been filed and the time for doing so has expired.

After reviewing the complaint, the motions, the opposition, the complete record, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference.

IT IS HEREBY ORDERED that Defendants’ motions to dismiss is **DENIED** *as to Plaintiff’s Title VII and ADEA claims against HCF* and **GRANTED** *in all other respects*. It is

FURTHER ORDERED that Defendants’ motion to make the complaint more definite and certain is **DENIED**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
July 18, 2006